

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

RAFAEL BANKSTON,

Petitioner,

v.

MARTIN VEAL, warden,

Respondent.

No. C 06-2517 MHP (pr)

**ORDER DENYING CERTIFICATE  
OF APPEALABILITY**

Petitioner filed a notice of appeal and request for a certificate of appealability. See 28 U.S.C. § 2253(c); Fed. R. App. P. 22(b). The certificate of appealability is DENIED because petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Petitioner has not demonstrated that "reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." Slack v. McDaniel, 529 U.S. 473, 484 (2000).

The clerk shall forward to the court of appeals the case file with this order. See United States v. Asrar, 116 F.3d 1268, 1270 (9th Cir. 1997).

IT IS SO ORDERED.

DATED: October 29, 2009

  
Marilyn Hall Patel  
United States District Judge